



Central Valley Water
Reclamation
Facility

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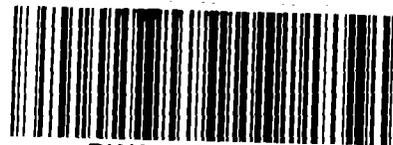
Reed N. Fisher, P.E.

Utah Dept. of Environmental Quality
Water Quality Division
Cannon Health Building
288 N 1460 W
Salt Lake City, Utah 84116-3231

July 30, 2008

Attn: Mr. Walt Baker, Director

Subject: DAR File No.: 31650
Filed: 07/01/2008, 05:22



DWQ-2008-001238
Document Date: 07/30/2008

Dear Mr. Baker:

Central Valley Water Reclamation Facility (CVWRF) is a publicly owned treatment works (POTW) which discharges to the lower Jordan River under Permit No. UT0024392. This permit is due to expire on February 28, 2010 and its renewal would be subject to the revised Water Quality Rules found in the subject filing if such filing is approved. Upon review of the DAR File No. 31650 proposed revisions to R317-2, CVWRF offers the following comments:

1. The changes to the Antidegradation rules may result in the imposition of an increasing number of Level II reviews. For example, given elimination of the Category 3C, 3D, and 3E waters (to which CVWRF discharges) the triggering of a costly Level II review will occur if any pollutant of concern exceeds 75 % of the numeric limit, down stream of the mixing zone. This defacto "down stream limit" supercedes the numeric standard for the pollutant and may prematurely force CVWRF to incur significant Level II study costs. We believe that the existing numerical limits were established with an adequate level of conservatism and that the proposed rule changes merely introduce an uncertain and less transparent approach to establish more restrictive standards. We believe that the removal of the 3C, 3D and 3E waters "off ramp" may be costly with no significant benefit. This "off ramp" should be maintained.
2. CVWRF is concerned about the proposed selenium standard for the Gilbert Bay portion of the Great Salt Lake. We understand that the tissue-based standard of 12.5 mg/Kg dry weight represents the EC-10 for the most susceptible mallard duck specie. We would note that previous tissue-based standards by the State have been based on an EC-20,

Mr. Walt Baker
July 30, 2008
Page 2

which is consistent with the Science Panel recommendation and the EPA's proposed fish tissue value. Use of the EC-10 value is unduly restrictive.

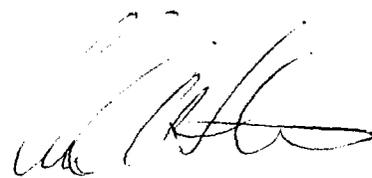
3. Our concern with the selenium standard, expressed in Item 2. above, is exacerbated by Footnote #14 which describes the proposed assessment procedure for selenium. We understand that at 60% of the EC-10 standard, all point source loads are capped and at 80% of the standard, load reductions are evaluated. The proposed assessment procedure serves to establish actual standards or limits below scientifically defensible values. Furthermore, if the most stringent standard applied by EPA is an EC-10, then the proposed assessment procedure becomes more restrictive than the federal standard and is a violation of State Code 19-5-105 which restricts the authority to establish more stringent limits. Nothing in the science panel development documents and associated research suggest that the EC-10 value is not protective in and of itself. As such, the assessment procedure is not only unnecessary, but it implies that the EC-10 without the assessment procedure is "not adequate to protect public health and the environment of the state."— which is a Code stipulation which underpins the standard.
4. CVWRF understands that the dissolved oxygen standard is proposed to be changed from a one-day average to a daily minimum. We assume that no impairment will be declared unless at least 10% of the measured values exceed the numerical limit (per R317-2-7.1). If a continuous DO reading is recorded, we would assume that the DO limit would have to be exceeded at least 10% of the time before the receiving water is declared impaired and placed on the 303d list. We would request clarification on this issue.

CVWRF appreciates the opportunity to comment on DAR File No. 31650. We look forward to receiving responses to our comments.

Sincerely,
CENTRAL VALLEY WATER RECLAMATION FACILITY



Reed N. Fisher, P.E.
General Manager



Thomas A. Holstrom, P.E.
Assistant General Manager